

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of V.W., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KIMBERLY WEBSTER,

Respondent-Appellant,

and

VINCENT WRIGHT,

Respondent.

UNPUBLISHED

October 25, 2002

No. 239293

Washtenaw Circuit Court

Family Division

LC No. 98-024642-NA

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent Webster appeals as of right from the trial court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(h). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination under subsection 19b(3)(h) had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Further, the trial court did not clearly err in its determination that the evidence, on the whole record, did not clearly show that termination was clearly not in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991); MCL 712A.19b(5). Although respondent maintained a relationship with the child despite her incarceration, the record clearly established that respondent was unable to provide for permanency and stability in the care and custody of the child. During respondent's incarceration the child had been placed in five different homes, had been a temporary ward of the court for more than three years, and was facing at least three more years of wardship if she were required to wait for respondent's release from prison. Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child. *Trejo, supra* at 356-357.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra